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EXAMINER

WOOD, WILLIAM H

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/450,550

Applicant(s)

NADON ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 6) ☐ Other:

DETAILED ACTION

Claims 1-32 of patent application "Automatic Translation For Text Files During Assembly of a Computer System" (application number: 09/450,550), being filed on 30 November 1999, has been assigned to and examined by Patent Examiner William Wood.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 03 October 2002 was considered by the examiner.

Drawings

2. The drawings are objected to by Draft Person's review (see attached PTO-948). The objection to the drawings will not be held in abeyance.
3. The drawings are objected to because Figure 1 is labeled Figure 1 and Figure 1 (cont.). This should be changed to Figure 1a and Figure 1b for clarity. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The attempt to incorporate subject matter into this application by reference to user's manual entitled "Thompson Toolkit" on page 8, line 30 and page 9, line 1 is

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improper because under the guidelines set forth in MPEP 608.01(p) incorporation by reference is limited to (1) a U.S. patent, (2) a U.S. patent application publication, or (3) a pending U.S. application. If the current application were to be allowed, the manual listed by Applicant would be an unnecessary burden upon the public to search, especially since it is not readily available. Therefore, the incorporation by reference is improper.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 13 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Stone et al. (USPN 5,903,859).

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In regard to claim 13, Stone disclosed the limitations of *a computer system comprising an installed software program, wherein the program includes translated textual portions that have been provided in accordance with the method:*

- (a) identifying the program and the corresponding desired language version of that program (column 2, lines 33-42)*
- (b) reading a file containing native-language textual portions of the program (column 1, line 65 to column 2, line 6)*
- (c) calling a translation string set that is based on the program (column 2, lines 25-42)*
- (d) reading from the translation string set a native-language string applicable to the program (column 2, lines 11-32; column 7, lines 5-25; looking into file types)*
- (e) locating the native-language string in the program (column 2, lines 7-24)*
- (f) substituting a desired-language translation for the native-language textual string in the program (column 2, lines 7-42)*

In regard to claim 14, Stone disclosed the limitations *wherein the program includes translated textual portions that have been provided in accordance with a method that includes:*

- (g) repeating step (d) and step (e) until all native-language strings contained in the translation string are located in the program and desired-language translation have been substituted for the native-language strings (Stone does this for the entire program so it can be widely distributed)*

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11, 17-22, 24-25, 28-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (USPN 6,247,128) in view of Lowry (USPN 5,946,002) and in further view of "Dictionary of Computing: Fourth Edition" herein referred to as Computing.

In regard to claim 1, Fisher disclosed the limitations *a method of installing desired-language translation of software in a computer system, the software to be installed, at the time of assembly of the computer system, in response to a customer's order* (column 1, lines 14-19; column 11, lines 7-12), *the method comprising the steps:*

a) creating a record that comprises identifiers that specify software to be installed in the computer system (column 11, lines 7-12 necessitates a record of the build information)

b) reading, from the record, a first identifier that identifies operating system software to be installed in the computer system (column 27, lines 22-33; Fisher has a list of components to be installed (including the operating system) and therefore is reading from the list)

c) based on the first identifier, establishing a first variable that specifies the operating system type (column 27, lines 22-33; shows selectable operating system) and a second variable that specifies a desired-language (column 27, lines 22-33; shows selectable language)

d) reading, from the record, a second identifier that identifies other software to be installed in the computer system (column 27, lines 40-48; list of software components which will be installed)

e) parsing the second identifier into a call to a batch file that (i) causes a native-language version of the other software to be installed in the computer system (column 11-, lines 39-44; column 27, lines 30-33; set-up routines allow for the initial installation of a native-language if that is all that is available based upon what software is selected)

Fisher did not explicitly state a second entity to translate text portions of software to a desired language. Lowry demonstrated that it was known at the time of invention to translate text portions of software (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher's software installation system with the ability to translate software text to a desired language as found in Lowry's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system complete to a user's specification. Furthermore, Fisher indicates it is desirable to provide software in a desired language (column 27, lines 30-33). Finally, multiple

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translation routines are present in that one would want to translate for multiple languages.

Neither Fisher nor Lowry explicitly stated using scripts for installation and translation. However, Computing demonstrated that it was known at the time of invention to use scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher and Lowry's system of installing desirable language translated software with utilizing scripts for the purpose as found in Computing's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and common procedure for implementing actions. Specifically, Fisher indicates utilizing set-up routines for installing software (column 11, lines 39-44), and thus the script is identified by the software. This action obviously would be implemented by the installation scripting system, along with downloading the software.

In regard to claim 2, the claim is a product-by-process claim. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." (MPEP 2113). Claim 2 is

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therefore rejected just like claim 1, since the product produced is the same (a computer with translated software installed).

In regard to claim 3, Fisher disclosed the limitations *a method of assembling a computer system in accordance with a customer order* (column 10, lines 5-40; column 11, lines 7-12), *the method comprising the steps:*

(a) *receiving a customer order specifying software to be installed in the system*

(column 11, lines 7-12)

(b) *creating a record that corresponds to the customer order* (column 11, lines

24-44; a list of components to be installed for a particular system)

(c) *installing software in the system, which software is identified by an identifier*

(column 11, lines 39-44; the list provides identification and the set up routines all for installation)

Fisher did not explicitly state a second entity to translate text portions of software to a desired language. Lowry demonstrated that it was known at the time of invention to translate text portions of software (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher's software installation system with the ability to translate software text to a desired language as found in Lowry's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system complete to a user's specification. Furthermore, Fisher indicates it is desirable to provide software in a desired language (column 27, lines 30-33).

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Neither Fisher nor Lowry explicitly stated using scripts for installation and translation. However, Computing demonstrated that it was known at the time of invention to use scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher and Lowry's system of installing desirable language translated software with utilizing scripts for the purpose as found in Computing's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and common procedure for implementing actions. Specifically, Fisher indicates utilizing set-up routines for installing software (column 11, lines 39-44), and thus the script is identified by the software. This action obviously would be implemented by the installation scripting system, along with downloading the software.

In regard to claim 4, the claim is a product-by-process claim. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." (MPEP 2113). Claim 4 is therefore rejected just like claim 3, since the product produced is the same (a computer with translated software installed).

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In regard to claim 5, Fisher, Lowry and Computing further disclosed the limitations *wherein the identifier is parsed so as to locate a file that (i) causes a native-language version of the software to be installed on the computer system and (ii) calls a translation script* (Fisher: column 11-, lines 39-44; column 27, lines 30-33; set-up routines allow for the initial installation of a native-language if that is all that is available based upon what software is selected; Lowry as above related to the translation script).

In regard to claim 6, the claim is a product-by-process claim. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." (MPEP 2113). Claim 6 is therefore rejected just like claim 5, since the product produced is the same (a computer with translated software installed).

In regard to claim 7, Fisher, Lowry and Computing further disclosed the limitations:

- i) *wherein the translation script calls a translation routine from a set of available translation routines* (multiple languages mean multiple routines)
- ii) *wherein the translation routine is called in response to information contained in the identifier* (Fisher: column 27, lines 23-37)

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iii) *wherein the translation routine identifies textual portions of the software that are to be translated and substitutes the desired language translations for the identified textual portions* (Lowry: column 1, line 65 to column 2, line 24)

In regard to claim 8, the claim is a product-by-process claim. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." (MPEP 2113). Claim 8 is therefore rejected just like claim 7, since the product produced is the same (a computer with translated software installed).

In regard to claims 9-11, the claims are duplicates of claims 4, 6 and 8 respectively and are rejected similarly here.

In regard to claim 17, Fisher disclosed the limitations *the method comprising the steps:*

(a) *creating a system description record (SDR) that identifies software to be installed in the computer system* (column 4, line 49 to column 5, line 8; column 11, lines 7-12; column 27, lines 23-30; a list of software is generated of software to install which complies with the rules database and the customer's desires)

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(b) establishing a global variable that specifies the language into which the text portions are to be translated (column 27, lines 30-33; selectable language)

(c) reading an identifier from the SDR that specifies software to be installed in the computer system (column 4, line 49 to column 5, line 8; column 11, lines 7-12; column 27, lines 23-30)

(d) based on the identifier, ... causing a native-language version of the software to be installed in the computer system (column 27, lines 23-30)

Fisher did not explicitly state a second entity to select from a number of translation routines to translate text portions of software to a desired language. Lowry demonstrated that it was known at the time of invention to translate text portions of software (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher's software installation system with the ability to translate software text to a desired language as found in Lowry's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system complete to a user's specification. Furthermore, Fisher indicates it is desirable to provide software in a desired language (column 27, lines 30-33).

Neither Fisher nor Lowry explicitly stated using scripts for installation and translation. However, Computing demonstrated that it was known at the time of invention to use scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement

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Fisher and Lowry's system of installing desirable language translated software with utilizing scripts for the purpose as found in Computing's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and common procedure for implementing actions.

In regard to claim 18, Fisher, Lowry and Computing further disclosed the limitation *wherein the translation routine operates to identify textual portions of the software and to substitute the desired language translations of the identified textual portions* (column 1, line 65 to column 2, line 24).

In regard to claim 19, Fisher, Lowry and Computing did not explicitly state disclosed the limitation *wherein the first script calls the second script*. Fisher indicated it was known at the time of invention to install software in a native language (Fisher: column 27, lines 31-33). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and translation system with first the install script and then that script calling the translation script. This implementation would have been obvious because one of ordinary skill in the art would be motivated to install whatever was available (Fisher: column 27, lines 31-33) and then translating to what the customer really wanted via the translation script system provided by the above combination of Fisher, Lowry and Computing.

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In regard to claim 20, Fisher, Lowry and Computing further disclosed the limitation *wherein the method is performed in the course of assembling a computer system in response to a customer order* (Fisher: column 11, lines 7-12).

In regard to claim 21, Fisher disclosed the limitations *a system for installing software in a computer system in response to a costumer order* (column 1, lines 14-19), *the system comprising:*

- i) *a server storing a native-language version of the software* (column 27, lines 30-48)
- ii) *means for coupling the computer system to the server during installation of software* (Figure 1)
- iii) *a system description record, accessible to the server, created in response to a customer order and containing an identifier that specifies the software to be installed in the computer system* (column 11, lines 7-16; column 27, lines 23-48; build-to-order and software list specify the software to be installed)
- iv) *an installation entity, stored on the server, that operates in response to the identifier to cause the native-language version of the software to be downloaded to the computer system* (column 27, lines 23-30)

Fisher did not explicitly state a translation entity, stored on the server, that is called by the installation entity and that, in turn, calls a translation routine from a number of available translation routines, wherein the translation script calls a translation routine depending on the desired language translation of the software. Lowry demonstrated

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that it was known at the time of invention to translate text into different desired languages, thus multiple translation routines (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher's installation system with a text translator to translate the software to a desired language as found in Lowry's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to completely translate software to a desired language in order to satisfy the customer, language translation is already a goal of Fisher (column 27, lines 30-33).

Neither Fisher nor Lowry explicitly stated using scripts for installation and translation. However, Computing demonstrated that it was known at the time of invention to use scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher and Lowry's system of installing desirable language translated software with utilizing scripts for the purpose as found in Computing's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and common procedure for implementing actions.

In regard to claim 22, Fisher, Lowry and Computing further disclosed the limitation *further comprising a set of translation routines that are selectively called by the translation script and that operate to identify textual portions of the software that are to*

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be translated and to substitute desired language translations for the identified textual portions (different languages require different routines).

In regard to claim 24, Fisher, Lowry and Computing further disclosed the limitation *further comprising a parser that parses the identifier contained in the system description record so as to call the installation script* (Fisher: column 11-, lines 39-44; column 27; lines 30-33; set-up routines allow for the initial installation of a native-language if that is all that is available based upon what software is selected).

In regard to claim 25, Fisher, Lowry and Computing further disclosed the limitation *further comprising a set of translation routines, which translation routines are selectively called by the translation script and that operate to identify textual portions in the native-language version of the software that are to be translated and to substitute desired-language translations for the identified native-language textual portions* (different languages require different translation routines; Lowry: column 1, line 65 to column 2, line 24).

In regard to claims 28, 29 and 32, claim 28 and 32 are apparatus claims corresponding to the computer system claims 21, 25 and 24 (respectively) and rejected under the same reason set forth under claim 21. Further claim 1 possessed a server as well.

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9. Claims 23, 26-27 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (USPN 6,247,128) in view of Lowry (USPN 5,946,002) in view of "Dictionary of Computing: Fourth Edition" herein referred to as Computing as applied to claims 22, 25 and 29 and in further view of Stone et al (USPN 5,903,859).

In regard to claim 23, Fisher, Lowry and Computing did not explicitly state the limitation *wherein the translation script calls a translation routine depending on the type of file in which the software is found*. Stone demonstrated that it was known at the time of invention to translate based upon file type (column 7, lines 5-25; specifically determines whether ASM or C/C++ file). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and translation with determining translating based on file type as found in Stone's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring to the type of file which contains the data to be translated.

In regard to claim 26, Fisher, Lowry and Computing did not explicitly state the limitation *wherein the translation script calls a translation routine depending on the type of file in which the software is found*. Stone demonstrated that it was known at the time of invention to translate based upon file type (column 7, lines 5-25; specifically determines whether ASM or C/C++ file). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and

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translation with determining translating based on file type as found in Stone's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring to the type of file which contains the data to be translated.

In regard to claim 27, Fisher, Lowry and Computing did not explicitly disclose the limitation *wherein the translation script calls a translation routine depending on the operating system installed in the computer system*. Stone demonstrated that it was known at the time of invention to translate based upon file type (column 7, lines 5-25; specifically determines whether ASM or C/C++ file). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and translation with determining translating based on operating system as found in Stone's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring to the type of file which contains the data to be translated (operating systems have different file types).

In regard to claim 30, Fisher, Lowry and Computing did not explicitly state the limitation *wherein the translation script calls a translation routine depending on the type of file in which the software is found*. Stone demonstrated that it was known at the time of invention to translate based upon file type (column 7, lines 5-25; specifically determines whether ASM or C/C++ file). It would have been obvious to one of ordinary skill in the

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art at the time of invention to implement Fisher, Lowry and Computing's installation and translation with determining translating based on file type as found in Stone's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring to the type of file which contains the data to be translated.

In regard to claim 31, Fisher, Lowry and Computing did not explicitly disclose the limitation *wherein the translation script calls a translation routine depending on the operating system installed in the computer system*. Stone demonstrated that it was known at the time of invention to translate based upon file type (column 7, lines 5-25; specifically determines whether ASM or C/C++ file). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and translation with determining translating based on operating system as found in Stone's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring to the type of file which contains the data to be translated (operating systems have different file types).

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al (USPN 5,903,859) in view of Fisher et al. (USPN 6,247,1128).

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In regard to claim 12, Stone disclosed the limitations concerning *a method of providing the desired translation of textual portions of a source code program to be installed in a computer system, the method comprising:*

(b) *calling a translation string set that corresponds to the source code program*

(see above as for the claim 13 rejection)

(c) *reading from the translation string set the translation strings required by the desired language version* (see above as for the claim 13 rejection)

(d) *searching a file that constitutes at least a portion of the source code program to find a text string* (see above as for the claim 13 rejection)

(e) *finding among the translation string sets in Step (c) a matching string that matches the text string found in Step (d)* (see above as for the claim 13 rejection)

(f) *substituting into the file the matching string found in step (e) for the string found in Step (d)* (see above as for the claim 13 rejection)

Stone did not explicitly state reading a file to determine the source code program and the desired translation language. Fisher demonstrated that it was known at the time of invention to use files to indicate configuration information (column 4, lines 49-62; column 5, lines 18-30; lists, databases). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Stone with a file to indicate what program to translate to what language as found in Fisher's teaching. This is simply some sort of batch file. This implementation would have been obvious because one of ordinary skill in the art would be motivated to automate the process of translating programs that will be released.

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11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owens et al. (USPN 5,555,416) in view of Stone et al. (USPN 5,903,859).

In regard to claim 15, Owens disclosed the limitations *a method of translating text portions of software substantially concurrently with the downloading of the software into a computer system in the course of assembling the computer system* (column 2, lines 9-19), *the method comprising the steps:*

i) *reading an identifier that identifies the software to be installed in the computer system and that is associated with a first software script* (column 3, lines 12-32; note there are multiple scripts performed at various stages to install selected software)

ii) *through operation of the first script, reading a language-specific file associated with the software and installing a native-language version of the software on the computer system* (column 3, lines 12-32; whatever software is on the list to install, must have support files which contain native-language text)

Owens did not explicitly state *through the operation of a second software script, substituting desired language translation into the language-specific file*. Stone demonstrated that it was known at the time of invention to substitute language translations into a file (column 1, line 65 to column 2, line 6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Owens' script installation system with a script to perform language translations of certain files as

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found in Stone's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to configure a computer system as needed by the environment that the computer system would be used (ie. with a specific language). Furthermore, Owens indicated a desire to install a desired language preference on a computer system (column 3, lines 20-22).

In regard to claim 16, the claim is a product-by-process claim. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." (MPEP 2113). Claim 16 is therefore rejected just like claim 15, since the product produced is the same (a computer with translated software installed).

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

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March 5, 2003


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